

T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:	<input type="text" value="31-Jan-06"/>	APPL. S. N:	<input type="text" value="09502143"/>
To Examiner:	<input type="text" value="HSU, ALPUS"/>	Art Unit	<input type="text" value="2665"/>
From	<input type="text" value="Jefferson, Henry"/> PARALEGAL SPCECIALIST	Return This Memo To: Case Drop-Off Location	<input type="text" value="JEF-2D68"/>

SUBJECT: Decision on Terminal Disclaimer(T.D.) filed:

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete,


please initial, date and return this memo to me. THANK YOU.

- ☐ The T.D. is PROPER and has been recorded (see 14.23).
- ☒ The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):
- ☐ The TD fee of has not been submitted nor is there any authorization in the application file for the use of a deposit account
 - ☐ The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).
 - ☐ The T.D. lacks the enforceable only during common ownership clause - needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).
 - ☐ The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).
 - ☒ The person who signed the T.D.:
 - ☒ is not an attorney "of record" (see 14.29 and 14.29.01).
 - ☐ has failed to state his/her capacity to sign for the business entity (see 14.28).
 - ☐ is not recognized as an officer of the assignee (see 14.29 & possible 14.29.02).
 - ☐ No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).
 - ☐ The T.D. is not signed (see 14.26 & 14.26.03).
 - ☐ The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).
 - ☐ The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).
 - ☐ The period disclaimed is incorrect or not specified (see 14.26, 14.27.02 or 14.26.03).
 - ☐ Other:
 - ☐ Suggestion to request refund (see 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Ex.Initials: _____ Date: _____

Log Date: _____

Application Number 	Application/Control No. 09/502,143	Applicant(s)/Patent under Reexamination GANZ ET AL.	
Document Code - DISQ		Internal Document – DO NOT MAIL	

TERMINAL DISCLAIMER	<input type="checkbox"/> APPROVED	<input checked="" type="checkbox"/> DISAPPROVED
Date Filed : January 23, 2006	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:
Henry D. Jefferson



Attorney's Docket No.: 07880-126001

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Aura Ganz et al.
Serial No. : 09/502,143
Filed : February 11, 2000
Title : ADAPTIVE MEDIA CONTROL

Art Unit : 2665
Examiner : Lee T. Khuong

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 CFR §§3.73(b) AND 1.321(b)

Pursuant to 37 CFR §3.73(b), University of Massachusetts Amherst, a university, certifies that it is the assignee of the entire right, title, and interest in the above application by virtue of:

☒ An assignment from the inventors of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 009021, Frame 0844 on February 23, 1998, or a copy thereof is attached.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

Pursuant to 37 CFR §1.321(b), and to obviate a double patenting rejection, the assignee identified above hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the above identified application subsequent to the expiration date of U.S. Patent No. 6,049,549, whereby the patent granted on this application and U.S. Patent No. 6,049,549 will expire on the same day, provided that any patent granted on the above identified application shall be enforceable only for and during such period that it is commonly owned with U.S. Patent No. 6,049,549.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

January 20, 2006
Date of Deposit

Cassie Chandler
Signature

Cassie Chandler
Typed or Printed Name of Person Signing Certificate

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Applicant : Aura Ganz et al.
Serial No. : 09/502,143
Filed : February 11, 2000
Page : 2 of 2

Attorney's Docket No.: 07880-126001

The assignee identified above does not disclaim any terminal part of any patent granted on the above identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,049,549 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above. Assignee herein does not disclaim or otherwise affect any part of U.S. Patent No. patent no. 6,049,549.

This disclaimer runs with any patent granted on the above application and is binding upon the grantee, its successors or assigns.

Enclosed is a check for \$65 for the required fee pursuant to 37 CFR §1.20(d).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 1/20/06

MICHAEL JAREMCHUK

Title: Associate Director

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225 Franklin Street
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JAN 23 2006

03-13-1998

Attorney Docket No.: 07880/038001

SHEET

Assistant Commissioner for Patent

100662252

Document

1. Name of conveying party(ies):
 Aura Ganz, Zvi Ganz and Ilwhan Kim

Additional name(s) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment
☐ Merger
☐ Security Agreement
☐ Change of Name
☐ Other:

2. Name and address of receiving party(ies):
 University of Massachusetts
 18 Tremont Street, Suite 800
 Boston, Massachusetts 02108

Additional names/addresses attached? ☐ Yes ☒ No

Execution Date: February 10, 1998

4. Application number(s) or patent number(s):

If this document is being filed with a new application, the execution date of

A. Patent Application No.(s):

08/807,812

B. Patent No.(s):

Additional numbers attached? ☐ Yes ☒ No

5. Name/address of party to whom correspondence concerning document should be mailed:

J. Peter Fasse
 Fish & Richardson P.C.
 225 Franklin Street
 Boston, MA 02110-2804

6. Total number of applications/patents involved: 1

7. Total fee (37 CFR 3.41): \$40

- ☒ Enclosed
☐ Authorized to charge deposit account

8. Deposit account number: 08-1050

If the fee above is being charged to deposit account, a duplicate copy of this cover sheet is attached. Please apply any additional charges, or any credits, to our Deposit Account No. 08-1050.

DO NOT USE THIS SPACE

9. Statement and signature: To the best of my knowledge and belief, the foregoing information is true and correct and the attached is the original document.

J. Peter Fasse

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and document: 3

03/13/1998 TTR:LL

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Date of Deposit

February 23, 1998

I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

J. Peter Fasse
 PATENT
 RECEIVED

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ASSIGNMENT

For valuable consideration, we, Aura Ganz of Amherst, MA; Zvi Ganz of Amherst, MA; and Ilwhan Kim of Amherst, MA, hereby assign to the University of Massachusetts, a Massachusetts institution having a place of business at 18 Tremont Street, Suite 800, Boston, Massachusetts 02108, and its successors and assigns (collectively hereinafter called "the Assignee"), the entire right, title and interest throughout the world in the inventions and improvements which are subject of an application for United States Patent signed by us, entitled ADAPTIVE MEDIA CONTROL, filed August 14, 1997, and assigned U.S. Serial Number 08/907,812; this assignment including said application, any and all United States and foreign patents, utility models, and design registrations granted for any of said inventions or improvements, and the right to claim priority based on the filing date of said application under the International Convention for the Protection of Industrial Property, the Patent Cooperation Treaty, the European Patent Convention, and all other treaties of like purposes; and we authorize the Assignee to apply in all countries in our name or in its own name for patents, utility models, and design registrations and like rights of exclusion and for inventors' certificates for said inventions and improvements; and we agree for ourselves and our respective heirs, legal representatives and assigns, without further compensation to perform such lawful acts and to sign such further applications, assignments, Preliminary Statements and other lawful documents as the Assignee may reasonably request to effectuate fully this assignment.

IN WITNESS WHEREOF, I hereto set my hand and seal at Amherst, Mass.
this 10 day of Feb., 1998
Aura Ganz L.S.

STATE OF Mass.
COUNTY OF Franklin ss.

Before me this 10 day of Feb., 1998, personally appeared

Aura Ganz known to me to be the person whose name is subscribed to the foregoing Assignment, and acknowledged that she executed the same as her free act and deed for the purposes therein contained.

Margaret J. Martin
Notary Public

My Commission Expires: 08/27/04

[Notary's Seal Here]

PATENT
REEL: 9021 FRAME: 0845

Best Available Copy

IN WITNESS WHEREOF, I hereto set my hand and seal at Amherst, Mass.
this 10 day of Feb., 1998

Zvi Ganz

L.S.

STATE OF Mass.

COUNTY OF Franklin

Before me this 10 day of Feb., 1998, personally appeared

Zvi Ganz known to me to be the person whose name is subscribed to the foregoing Assignment, and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

Martha J. Martin
Notary Public

My Commission Expires: 08/27/04

[Notary's Seal Here]

IN WITNESS WHEREOF, I hereto set my hand and seal at Amherst, Mass.
this 10 day of Feb., 1998

Ilwhan Kim

L.S.

STATE OF Mass.

COUNTY OF Franklin

Before me this 10 day of Feb., 1998, personally appeared

Ilwhan Kim known to me to be the person whose name is subscribed to the foregoing Assignment, and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

Martha J. Martin
Notary Public

My Commission Expires: 08/27/04

[Notary's Seal Here]

256564.B11

RECORDED: 02/23/1998

PATENT
REEL: 9021 FRAME: 0846